

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

KAREEM ABDUL JOHNSON

CIVIL ACTION NO. 22-0085

VERSUS

JUDGE S. MAURICE HICKS, JR.

EAN HOLDING, LLC, ET AL.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Before the Court is Petitioner Kareem Abdul Johnson's ("Johnson") Magistrate Appeal (Record Document 41). It appears the Magistrate Appeal is directed at two previous orders of Magistrate Judge Hornsby: (1) an August 23, 2022 order denying Johnson's request to appointed counsel because of failure to show exceptional circumstances for appointment of counsel (Record Document 31); and (2) a September 8, 2022 order denying Johnson's request to amend his complaint as moot because he had already filed an Amended Complaint naming the same individuals as defendants (Record Document 38). For the reasons set forth below, the Magistrate Appeal (Record Document 41) is **DENIED**, and Magistrate Judge Hornsby's previous orders (Record Documents 31 & 38) are **AFFIRMED**.

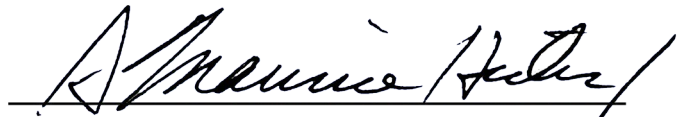
The decisions by Magistrate Judge Hornsby to deny Johnson's motion to amend his complaint and his motion for appointment of counsel are non-dispositive matters. These actions are not listed in 28 U.S.C. § 636(b)(1)(A) as dispositive motions that a magistrate judge may not conclusively decide. Orders on non-dispositive matters from the magistrate judge must be upheld unless it is clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A) & Fed. R. Civ. P. 72(a); see also Castillo v. Frank, 70 F.3d 382, 385 (5th Cir. 1995). The Court will review the Magistrate Judge's legal conclusions *de*

novo and will review his factual findings for clear error. See Bedingfield v. Deen, No. 09-369, 2011 WL 1044397, at *1 (W.D. La. Mar. 18, 2011).

“Even when a plaintiff has nonfrivolous [Section] 1983 claims, a ‘trial court is not required to appoint counsel . . . unless the case presents exceptional circumstances.’” Naranjo v. Thompson, 809 F.3d 793, 799 (5th Cir. 2015). Here, the Court does not find that Magistrate Judge Hornsby’s conclusion of no exceptional circumstances was clearly erroneous or contrary to law. Likewise, the Court agrees that Johnson’s request to amend was moot because his Amended Complaint (Record Document 34) already named the same individuals as defendants. Thus, the Orders denying appointment of counsel and leave to amend (Record Documents 31 & 38) are **AFFIRMED**, and Johnson’s appeal (Record Document 41) is **DENIED**.

IT IS SO ORDERED.

THUS DONE AND SIGNED, in Shreveport, Louisiana, on this the 29th day of September, 2022.


S. MAURICE HICKS, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT